

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CLARENCE MACK PRUITT,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-00383

ANDREW SAUL, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending are Plaintiff Clarence Mack Pruitt's Objections to the Proposed Findings and Recommendation ("PF&R") issued on September 25, 2019, by Magistrate Judge Omar Aboulhosn. ECF Nos. 14, 13. In reviewing objections to a PF&R, the Court must review those portions of the Magistrate Judge's findings "to which objection is made." 28 U.S.C. § 636(b)(1)(C). The Court need not review factual and legal conclusions to which a party does not object. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nor must the Court review *de novo* "general and conclusory" objections; instead, objections must raise specific errors in the PF&R. *McPherson v. Astrue*, 605 F. Supp. 2d 744, 749 (S.D.W. Va. 2009) (citing *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The Court possesses wide discretion to "accept, reject, or modify, in whole or in part, the findings or recommendations" of the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C).

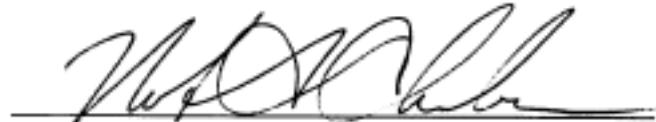
In reviewing the Social Security Commissioner's final decision, the only issue before Magistrate Judge Aboulhosn was whether the Commissioner's decision to deny Pruitt's claim was supported by substantial evidence, that is, evidence "which a reasoning mind would accept as sufficient to support a particular conclusion." *Blalock v. Richardson*, 483 F.2d 773, 776 (4th Cir.

1972) (citation omitted). If substantial evidence exists, the Court must affirm the Commissioner's decision "even should the court disagree with such decision." *Blalock*, 483 F.2d at 775. Guided by this standard, Magistrate Judge Aboulhosn engaged in a lengthy and detailed analysis of all evidence in the record and recommended affirming the Commissioner's final decision. ECF No. 13, at 21–30.

In his very brief Objections, Pruitt does not point to specific errors in the PF&R. *See* ECF No. 14. Rather, he attempts to reargue that the Administrative Law Judge did not provide good reasons for rejecting the opinion of his treating sources, which, according to Pruitt, resulted in an improper residual functional capacity assessment. *Id.* at 1. Magistrate Judge Aboulhosn considered and fully responded to this argument in his extensive analysis of the record. ECF No. 13, at 21–28. Pruitt's Objections only amount to a general disagreement with Magistrate Judge Aboulhosn's conclusions, not a specific identification of error in his reasoning. Based on his thorough review of the record, Magistrate Judge Aboulhosn determined the Commissioner's decision was supported by substantial evidence, and the Court agrees.

The Court therefore **OVERRULES** Pruitt's Objections and **ADOPTS AND INCORPORATES HEREIN** the PF&R. Accordingly, the Court **DENIES** Pruitt's request for judgment on the pleadings (ECF No. 9), **GRANTS** the defendant's request to affirm the decision of the Commissioner (ECF No. 10), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this case from the Court's docket. The Court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

ENTER: February 28, 2020



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE